

REMARKS

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of the following ten groups of claims:

- Group I: Claims 1 and 3-8, drawn to a method for preparing a gelatin material;
- Group II: Claims 2 and 16, drawn to a method for preparing a cast;
- Group III: Claims 9, 11, 17 and 18, drawn to a gelatin material;
- Group IV: Claims 10, 14 and 19, drawn to a cast;
- Group V: Claim 12, drawn to an artificial skin;
- Group VI: Claim 13, drawn to an implant;
- Group VII: Claims 20-21 and 24-25, drawn to a method for implanting a material;
- Group VIII: Claims 22-23 and 26-27, drawn to a method for implanting a material;
- Group IX: Claims 28-29 and 32-33, drawn to a method for improving healing; and
- Group X: Claims 30-31 and 34-35, drawn to a method for improving healing.

Applicant hereby elects *with traverse* the invention defined by the Office as Group 1 (claims 1 and 3-8,) drawn to a method for preparing a gelatin material.

Applicant traverses for at least the following reasons. Applicant respectfully asserts that the inventions of Groups I-X should be examined together. Applicant respectfully submits that the inventions of Groups I-X are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicant submits that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Regardless of whether the ten inventions are independent or distinct, Applicant respectfully asserts that the Examiner need not have restricted the application. MPEP § 803 requires that "[i]f the search and examination of an entire

application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

At the least, Applicant requests that Groups I and II be rejoined for examination at this time, as they share a single inventive concept under PCT Rule 13.1. The claims of Group II (claims 2 and 16) are directed to methods of preparing a cast, three-dimensional, porous gelatin structure, thus showing that the casting is performed in a mould. When casting the gelatin material in a mould, Applicant notes many different three-dimensional gelatin structures can be made, because the gelatin will take the shape of the mould when it solidifies. As in claim 1 (Group I), the gelatin solution solidifies as spheres, because the solution is not soluble in the organic solvent and when it cools, it solidifies into the spherical shape. The organic solvent can be seen as a mould for a large quantity of spheres. Thus, Applicant requests at least the rejoinder of Groups I and II.

In the interest of economy, for the Office, for the public-at-large, and for Applicant, reconsideration and withdrawal of the restriction requirement are requested. The election has been made without prejudice or disclaimer to any of the non-elected subject matter, and Applicant expressly reserves the right to file one or more continuation and/or divisional applications directed to any of the non-elected subject matter.


In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. The Examiner is invited to contact the undersigned at 703-838-6563, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:


Deborah H. Yellin
Registration No. 54,904

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620